

REMARKS

In the Office Action under reply, a second and nonfinal Action in this case, claims 78, 90, 139, 142, 154, and 247 have been rejected under 35 U.S.C. §112, second paragraph, as indefinite. In making this rejection, the Examiner has cited several informalities in the claims which have now been corrected by way of the amendments made herein.

Specifically:

claim 78 now depends from claim 77, as suggested by the Examiner;

the typographical error in claim 90 has been corrected so that the claim now recites "covalent interaction" instead of "noncovalent interaction" (for support, see, e.g., paragraph [00016], [00020], [00107], and [00108] of the specification), addressing the Examiner's concern that claims 89 and 90 appeared to be duplicative ;

the same typographical error in claim 139 has been corrected in an analogous manner;

the dependency of claim 142 has been corrected, so that the claim now depends from claim 141 instead of from claim 143;

the dependency of claim 154 has been changed as suggested by the Examiner; and

the dependency of claim 247 has been changed as suggested by the Examiner as well.

The Examiner's thoroughness in finding these errors and informalities is much appreciated.

Regarding the stated reason as to the need for the Office Action, the Examiner has indicated that "[m]ultiple efforts (three separate phone calls and voice messages on three different days) have been tried to reach Applicants' Representative, Attorney Dianne Reed, in order to expedite allowance of the application....However, the failure of Applicants' response to these messages has prompted this rejection." In response, it must be pointed out that no examiner is ever justified in including statements in an Office Action implying that an applicant's representative is irresponsible. The reasons for this are self-evident, and do not need to be elaborated upon here. It would have been sufficient to state that "this Action was necessitated because Applicants' Representative could not be reached." Furthermore, since an attorney may be ill (as was the case here) or otherwise unavailable when an examiner calls, it is to be expected that, on occasion, it may not be possible for an examiner to reach an attorney by telephone and that a written action will need to be prepared and sent out. It is unfortunate that the Examiner

was working under pressure during the last several days of the quarter when she made the calls. Applicants request that any further communications to the undersigned on this case comply with MPEP 707.07(d) ("[e]verything of a personal nature – such as frustration, irritation, and blame - must be avoided"), and that if the examiner's schedule permits, any further calls to discuss the application be made before the matter becomes urgent. The inconvenience caused by the undersigned's illness is regretted.

Applicants acknowledge the Examiner's indication that claims 1-77, 79-89, 91-138, 140, 141, 143-153, 155-246, and 248-271 are allowed. In light of the present amendments, then, all pending claims should now be allowable, and a Notice of Allowance is respectfully requested.

Respectfully submitted,



Dianne E. Reed
Registration No. 31,292

REED INTELLECTUAL PROPERTY LAW GROUP
800 Menlo Avenue, Suite 210
Menlo Park, California 94025
(650) 330-0900 Telephone
(650) 330-0980 Facsimile